

**EDUCATION DEPARTMENT[281]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 21, “Community Colleges,” and Chapter 24, “Community College Accreditation,” Iowa Administrative Code.

Items 1 to 5 and 10 and 11 address legislation in 2007 Iowa Acts, chapter 214, sections 21 to 23, and 2008 Iowa Acts, House File 2679, sections 27 to 29. The subject matter addressed deals with the Quality Faculty Committee established in Iowa Code section 260C.36 and accreditation standards regarding community college faculty. Until the Department completes the transfer of all agency rules regarding accreditation of community colleges to Chapter 24, certain rules appear in both Chapters 21 and 24.

Regarding Item 6, 2008 Iowa Acts, House File 2679, section 26, changed the formula by which funds allocated to the Department are distributed to all 15 community colleges to supplement faculty salaries. The former distribution formula was based on the proportional share of each community college’s total salary expenditures in the instructional and instructional part-time categories in the education functions of liberal arts and sciences and vocational-technical to the total salary expenditures for all community colleges in such functions (pursuant to 2007 Iowa Acts, chapter 215, section 31). The new legislation states that the distribution formula shall be based on the number of full-time equivalent instructors employed by each community college in proportion to the total number of such instructors employed by all Iowa community colleges. Finally, the new legislation directed the state Board of Education to define by rule “eligible full-time equivalent instructor.” The definition is the total of full-time faculty plus the fractions of part-time faculty who are covered by a collective bargaining agreement.

Items 7 to 9 incorporate the expansion in 2008 Iowa Acts, House File 2651, section 16, of the locations at which the course for drinking drivers may be offered to include the state correctional facilities listed in Iowa Code section 904.102 (presently those are the correctional institution for women, the Anamosa and Fort Madison penitentiaries, the Oakdale medical and classification center, the correctional facilities at Rockwell City, Mount Pleasant, Clarinda, Newton, and Fort Dodge). The legislation also mandates that the Department of Education consult with the Departments of Public Health and Corrections for approval of such courses.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the August 27, 2008, Iowa Administrative Bulletin as **ARC 7090B**. A public hearing was held on September 19, 2008, and public comments were allowed until close of business on that same date. The public hearing originated at the Grimes State Office Building and was simultaneously narrowcast at eight remote ICN sites. A total of 13 persons attended the public hearing. Only one comment was received pertinent to this rule making from which the Department has made a change. A representative of Des Moines Area Community College (DMACC) noted that both the terms “school term” and “traditional semester” are used in paragraph “a” of subrule 21.3(4), and that there should be consistency. The Department agrees and has adjusted the language accordingly. Paragraph 21.3(4)“a” now reads as follows:

“a. College parallel. The full-time teaching load of an instructor in college parallel programs shall not exceed a maximum of 16 credit hours per traditional semester or the equivalent. An instructor may also have a teaching assignment outside of the normal school hours; provided the instructor consents to this additional assignment and the total workload does not exceed the equivalent of 18 credit hours within a traditional semester.”

The other public comments raised questions about the underlying legislation itself. The Department cannot deviate in rule making from the language of the legislation, so no other changes to the amendments have been made. Those concerns question the appropriateness of professional development plans for adjunct faculty, of the burden on human resource officers of professional development plans for adjunct faculty, of requiring adjunct faculty (and all instructors teaching credit coursework) to meet minimum

faculty standards by July 1, 2011, and of use of the term “media specialist” regarding quality faculty plans.

These amendments are intended to implement 2008 Iowa Acts, House File 2679, section 26; 2008 Iowa Acts, House File 2651, section 16; and Iowa Code sections 260C.36 and 260C.48(1) as amended by 2007 Iowa Acts, chapter 214, sections 21 to 23 (Senate File 588), and by 2008 Iowa Acts, House File 2679, sections 27 to 29.

These amendments shall become effective January 21, 2009.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [21.3, 21.31, 21.32, 24.3, 24.5] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 7090B**, IAB 8/27/08.

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[For replacement pages for IAC, see IAC Supplement 12/17/08.]